



**SPECIAL MEETING OF THE COMMON COUNCIL  
MIDDLETOWN CONNECTICUT  
JUNE 2, 2014**

Special Meeting      The Special Meeting of the Common Council was held in the Council Chamber of the Municipal Building on Monday, June 2, 2014 at 6 p.m.

**Present**

Deputy Mayor Robert P. Santangelo, Councilman Thomas J. Serra, Councilwoman Mary A. Bartolotta, Councilwoman Hope P. Kasper, Councilman Grady L. Faulkner, Jr., Councilman Carl R. Chisem, Councilman Gerald E. Daley, Councilman James B. Streeto, Councilman Sebastian N. Giuliano, Councilwoman Sandra Russo Driska, Councilwoman Deborah Kleckowski, Councilman David Bauer,

**Absent**

Mayor Daniel T. Drew and Corporation Counsel Daniel Ryan, Corporation Counsel.

**Also Present**

Directors: William Russo, Michiel Wackers, Wayne Bartolotta, Robert Kronenberger, Linda Bettencourt, Damon Braasch, William McKenna, Guy Russo, Carl Erlacher, Justin Carbonella, Kathy Morey, Faith Jackson, Brig Smith, Arthur Meyers, Acting Directors Deb Stanley and Eldon Bailey, Salvatore Nesci and Stephan Allison.

**1. Mayor calls meeting to order.**

**(Pledge of Allegiance)**

The Chair leads the public in the Pledge of Allegiance and calls the meeting to order at 6:30 p.m. He welcomes everyone to the meeting.

**(Council Clerk Reads the Call of the Meeting and Mayor declares call a legal call and meeting legal meeting.)**

The Chair declares the call a legal call and the meeting a legal meeting at 6:01 p.m.

**2. Questions to Directors Opens**

The chair opens the questions to directors. He recognizes Councilman Bauer who asks for Finance Director, Carl Erlacher. Mr. Erlacher comes forward. Councilman Bauer had pointed out a transfer that didn't add up and he began checking grants and other submissions. He asks on agenda item 10C and he found something odd and wonders if you agree. It is a grant and he assumes it is money coming from another source to Middletown and embedded in here, there are two negative numbers. He points them out. What would your definition be of a negative grant and you have to put in negative numbers to agree with the totals. Mr. Erlacher states he tends to think it is some sort of uses of funds to transferring to the Student activity account and magnet school and it is monies that have to go to those cost centers. Councilman Bauer states that troubles him that when it is a negative number coming into the City coffer, he would call it an expense and even though it is Board of Education, it still comes through the Council. Mr. Erlacher responds that he should call Pat Charles and ask her why it entails the way it does.

Councilman Giuliano he understands what is happening here is the expenditures on this grant are effectively \$11,600 higher than the grant. Mr. Erlacher states they are getting the revenue in. Councilman Giuliano states without the negative numbers, it would not add up. Mr. Erlacher responds he would need to see the detail. Councilman Giuliano asks what they should do with this. Mr. Erlacher is happy there is no loan from the general fund and you are accepting a grant and they will need the total amount to operate and I suggest you accept the grant and if you don't call, I will.

Councilman Bauer asks for the Director of Planning. Michiel Wackers comes forward. Councilman Bauer asks about the agreement with Greenskies and the Charter and it states the Mayor negotiates and signs, but the council approves and I am asked to approve a contract he has not seen and we are waiving ordinances and are we giving Greenskies city property. Mr. Wackers states they are waiving some City requirements and there is no contract because Greenskies does not have the Z-recs to make the contract work. It is a competitive process and the credits are awarded on an auction system to Connecticut. Part of the concern having an

agreement before the auction would make the contract available under Freedom of Information. This would put Greenskies at a disadvantage with everyone else who can be awarded Z-Rec credits. The contract will be reviewed and the Mayor has the right to sign or not sign. This is to authorize the Mayor to negotiate a contract. Councilman Bauer states you are asking me to approve something I know nothing about. I find myself in a difficult position. His next question is since Finance and Government were you able to suggest or estimate towards the grant we would make to improve Harbor Park with the recommendations you made. What activities would you expect we would get back from the investment from the City. Mr. Wackers doesn't have an exact dollar amount, but the City is looking to invigorate the river front. Canoe Club is planning 40 activities and they are working to have 3 or 4 more events this year. The grant is an appropriation to make things successful in the near term. This is something we can do and don't have to wait for a high dollar project to make progress or kick start it. Councilman Bauer states he asked for an estimate. Mr. Wackers replies states he can give dollars for a typical visitor spends between \$16 - \$32 and it is harder to say at the riverfront since there are no opportunities for consumers except Canoe Club. High School had the Emerson Regatta and he was there to see a nice crowd. People using the riverfront is positive and the \$15,000 is to build on that. We should expect a higher return. Councilman Bauer states if you gave me a number, I could respond.

Councilman Serra states you said we adopt this and the Mayor could sign it if he wants. Mr. Wackers states if the Council adopts the resolution to sign the contract. Councilman Serra states or not. Mr. Wackers responds yes. Councilman Serra asks why adopt the resolution? Mr. Wackers replies in order to go forward, the Council has to approve. Councilman Serra states I didn't understand what you said, signing it or not if he wants to. Mr. Wackers states it is dependent on a lot of circumstances and without the State credit, it won't move forward. Councilman Serra states the mayor carries out the laws of the legislative body, so we adopt this and so you are saying he doesn't have to do it. Mr. Wackers states my intent is not to say he can veto the Council, but carry out the Council's wishes and if the intent of the resolution is not met, then the Mayor should not sign the contract. Councilman Serra thanks him for clarifying that.

Councilman Giuliano shares the same concerns; it appears a bit of a blank check. Shouldn't the Mayor negotiate the contract and present it to the Council. Mr. Wackers states the intent is that the Council should enter into the agreements and what is proposed is a purchase agreement to purchase power at a set price for 20 years. Councilman Giuliano states if the intent is to authorize the mayor to negotiate with Greenskies, it is superfluous because the power is given to him by Charter and if it is something else, he is not sure about this. Mr. Wackers states it is for the Mayor to enter into an agreement; it also gives the Mayor the power to waive purchasing requirements. Councilman Giuliano responds it has not been negotiated yet. If that is what he negotiates then he should bring it forward and the Council would approve it or not. This is a blank check and it is not in compliance with the Charter. Mr. Wackers this is a resolution authorizing the Mayor and the terms of what is proposed is outlined in the resolution and in order to effectuate that, the Mayor needs the Council to waive the procurement requirements and allow purchase at 9 cents per Kwh. Councilman Giuliano states you are making me more uneasy with that answer. Councilman Bauer clarifies the reason I asked the questions is that embedded in there, this resolution asks for the Council to delegate its Charter responsibilities to members of the City workforce that they will be the appropriate check and he has concerns about that.

Councilman Serra asks to address questions to Tax Assessor, Item 10M. He states a quick update on tax appeals. Damon Braasch states the report submitted is the rundown of all properties appealed; they have received another 2 appeals. The report goes through what the difference between the Board of Assessment Appeal claims was and the value of the assessed property. We are at 47 properties or 46 with one in stipulation. Councilman Serra asks of those adjudicated how much has it cost thus far. Mr. Braasch states the only one out there, he doesn't have the number in his head. Councilman Serra asks for a prediction. Mr. Braasch states if you look at the worst case scenario, if we lost everything it would be \$1.5 million. If we go to court it might be half way between their appealed value and our appealed value, then you are at \$783,000. We move for as little reduction as possible. A good number would be between \$500,000 and \$783,000. Councilman Serra would like to ask the Finance Director about the projection that the budget is covered that was adopted. Mr. Erlacher responds yes. Councilman Serra asks about the worst case scenario. Mr. Erlacher states they have \$1 million for reevaluation appeals and \$500,000 for random appeals. Worse case we would hit the number on target.

Councilman Bauer asks for Public Works Director. William Russo comes forward. Councilman Bauer looks to clarify 12I, the Master Agreement and it didn't show up at Public Works or Finance and Government. He finds it confusing that the backup is a letter 15 months old and reading some of the e-mails it said that approximately 130 of the 169 towns have already signed this. Why did we hold back on signing it. Mr. Russo states it was a one year agreement in the past and now they want it for ten years. I think we had this in Legal and they had to review everything and what is in front of you is a good thing. We are in line to get reimbursed for Westlake Drive, a \$1.8 million job. This is what they want you to approve and this is the last stage to accept the money. Councilman Bauer asks what the agreement looks like. Mr. Russo states different projects come to us and we in turn work with the State money to build roads. We submit our plans and DOT will review and determine if we will receive our funding. Bob Dobmeier is very good at this; all our plans our shovel ready. That is why we are in line for that money.

Councilman Bauer asks if there is documentation for the Mayor to sign. Mr. Russo states it is only Council approval and when they send it to them, we will get our money. DOT wants it as a ten year plan. Councilman Bauer states when they did Saybrook Road, we were working through MidState. Mr. Russo responds it is through River CROG. Mr. Russo responds the money is State money given to a region, River CROG and we apply to them and based on that, they vote on the projects they will fund. They are in line to receive two years of funding on Westlake Drive. Councilman Bauer this is beyond the bridge funding out there. Mr. Russo states the bridge is done.

Councilman Giuliano states Central Communications. Wayne Bartolotta comes forward. Councilman Giuliano states it is on agenda item 12E, the job description. We went through this at the General Counsel meeting; it was an 8 and moved to 9 some time ago. The position is vacant. As he looks at the proposal a number of duties are being removed and this position has less responsibilities. Mr. Bartolotta states the reason for removing the duties is that they are being done by the Deputy Director. Councilman Giuliano states in the majority of cases and saw the person filling this position and another dispatcher, I could not tell the difference between them. They are essentially doing the same job and getting paid more money. Mr. Bartolotta if they are not training or doing quality control tasks, that would be correct. Councilman Giuliano asks if it wouldn't be better to put in a stipend and pay them when they are doing those functions. To pay them a pay grade higher when they will rarely do these things. Mr. Bartolotta states they tried a stipend before and people were not interested in these things. The duties outlined here. They will select a candidate and train the candidate and we are hiring a low level trainee and they will be in that training cycle for four months. After the dispatcher is trained, then they can work on doing certifications for the dispatchers and quality control. That was the principle behind it and that is what was behind it when the Council upgraded it. Councilman Giuliano states he is looking at trying to explain this to a citizen and the moral in your department when one employee will be paid higher than the one next to him. Mr. Bartolotta states we have that with a trainee. What has changed are requirements with the Hospital and state-wide and nationally. We need assistance. When we hire an employee, the Deputy Director does the training he goes off line for four months and everything suffers like quality control. That is why we are proposing this. Councilman Giuliano states if there is no vacancy this isn't going on. Mr. Bartolotta states that is one part. We recently did a recertification and we had to have someone do the training. There is continuing education that goes on. We have to maintain our State-wide certification that goes on year round.

Councilman Bauer would like to ask an additional question to the Director of Planning. Mr. Wackers comes forward. Councilman Bauer asks about the air conditioning at the Yacht Club. Mattabassett Canoe Club is mentioned twice. Have we exhausted our contract with Marratta or do we have an agreement with them. Mr. Wackers states Mattabassett Canoe Club is subleasing from Frank Marratta. Councilman Bauer asks if Mattabassett Canoe Club pays the City or Mr. Marratta. Mr. Wackers responds the Canoe Club pays the City. Councilman Bauer asks if Marratta volunteered or did you ask him to contribute to this; how much longer is the agreement. Mr. Wackers states it runs to 2027.

Councilwoman Sandra Russo Driska asks for the Town Clerk, Linda Bettencourt. She asks about the State of Connecticut inspection on the vault. Ms Bettencourt states they were in today. Finance and Government got a packet and this is where we stand right now with what I need. The State came down and there are some other issues. The State approved our gutter type system to protect us from future leaks and an alarm system and humidity system. That is in my quote and the State added to the list. Our vault was never in compliance. There are water pipes in the ceiling and they should not be there. The State wants to see the gutter system. But there are many wires in the ceiling. Any wires in the vault need to be in a conduit, a protective covering. How many there are, we don't really know and it is not expensive. The other issue is where the vault is pierced and it is a violation. It is a simple fix. Where the cement ceiling is bridged for the water pipes, there are many products to put around the pipes to ensure it is fire proof. Right now, it is not. If there is a fire upstairs, it can spread through the three openings; those are what they are sure of. They are looking at an air conditioning remedy. There has never been air conditioning in the vault; the humidity alone can destroy the records. We did everything we can with the water leak. Our intake in the vault is a fresh air register. If it is a humid day, it brings in the humid air. IT just put in a system. It is a unit on the whole and will need ducting and will bring in dry cool air to meet the State standard. She needs to research this. I have no idea what the cost of the system is. It is one of the biggest concerns the State has. The \$50,000 is what she needs to get the vault up and working but it will not cover everything. It is your choice to address it now or damage the records. We will get cited. Councilwoman Driska asks if it will be mandated by the State. Ms Bettencourt responds yes. Councilwoman Driska thanks her for the packet.

Councilwoman Kleckowski has a question about mandates. Does it mean fines or shut down. Ms Bettencourt states they did not discuss fines. We had a good meeting and they understand that it is not in compliance and we are doing everything we can. We will be cited. They know we are doing what we can and it is appreciated.

Councilman Serra asks if the acting IT director could come forward; he asks about the emergency purchase. Most have a dollar figure; what is the dollar figure projected. Eldon Bailey comes forward and states they had a price quote of \$37,000 and most of the work has been completed

and they are waiting for additional construction work to be done before they do their final work on the project. It may go a little more than that, but it can't go more than \$40,000. Councilman Serra asks if they are up fronting the money to the Senior Bond project. Mr. Bailey responds his understanding is that the funds were already allocated through some funding source and we don't control those funds, but he was told there was funds. Councilman Serra asks if it is coming from the \$750,000 bond. Mr. Bailey states he is not sure which is coming from. Councilman Serra asks Mr. Erlacher, Finance Director, if it is from the general fund or the bond. Mr. Erlacher states it is from the bond.

Councilwoman Bartolotta asks for the City Attorney. General Counsel Brig Smith comes forward to address questions to 12C. Councilwoman Bartolotta states in the last paragraph of the resolution and she reads it and explains the permitting process. Attorney Smith would have to refer back to Michiel about the permitting process. Councilwoman Bartolotta states you haven't seen this. Attorney Smith responds they didn't do the resolution; it came from EDC. He hasn't seen the permitting process as yet. Mr. Wackers states since this is a resolution to authorize a proposed deal to go forward, this is one of the save guards to make sure if they get z-Recs form the state we can do a final review. Councilwoman Bartolotta reads again and earlier Councilman Bauer asked you about waivers for the Mayor to make final approval. Mr. Wackers states the site will be based on the credits they are awarded. After they are awarded we can review the end product. Councilwoman Bartolotta asks who we is. Mr. Wackers responds that the resolution states the Council. Councilwoman Bartolotta states after the permitting process this has to come back to this body before the Mayor signs. Mr. Wackers states the City is in favor of moving forward and only after the Z-rec credits are awarded, they won't have a final impact on the City. The resolution says it has to come back to the Council. Councilwoman Bartolotta asks about the third paragraph of the fixed cost and escalator; if it is a fixed cost why is there an escalator. Mr. Wackers states the price does escalate and it is 9 cents Kwh and it does increase by 1%. Councilwoman Bartolotta states at the end of the table it says we may or may not see a cost savings. Mr. Wackers states it depends on electricity price on the market is higher or lower. It is based on the assumption that we see in the past will happen in the future. There is nothing built in here to protect the City for overpaying. Mr. Wackers states that is correct.

Councilman Daley states to Mr. Wackers his understanding is that last be it further resolved is intended to cover the possibility if they propose additional sights and they would have to be approved before the permitting process. That is how I understood it and it is to authorize the Mayor to go forward with the two sights in the resolution. Mr. Wackers states he can't in good faith say it is one interpretation, but he should have worded it better and it should come back to the Council. Councilman Daley would like to understand what they are voting on the go ahead on those two sights. Councilman Daley asks if it can be sent back. Mr. Wackers states it is apparent the Council has reservations and a decision has to be made tonight and he does not want to waste the Council's time if there are questions and present it at another time when the Council is comfortable with it. Councilman Daley states the math doesn't work and they were going to correct it; Mr. Wackers states those are the corrected tables. Councilman Daley states the math still does not work. If you subtract you don't get .056, you get .07. The rate calculations is not correct or the formula they have in the table is not correct. I would recommend sending it back. Councilwoman Bartolotta agrees with the Director to remove it. Councilman Daley states it is a good thing for the City. Councilwoman Bartolotta states so long as we close the loop holes.

The Chair states it is four minutes to seven. Do we end the meeting at 7 p.m. or recess and carry on at that time.

Councilman Giuliano states he can't find anything that it comes back to the Council for approval and it sounds like it will be postponed and sent back and he is okay with that. Councilman Bauer states you made a statement about the rate and doesn't the city have transmission costs. Mr. Wackers states they would pay for the first 5 years and it would be reduced 100% waived the first year, one year at 80%, one at 60% and two at 40%, then you pay transmission costs.

Councilwoman Kasper asks about the repair to the Town Clerk's Office and would any of the \$50,000 appropriation be part of the deductible. Attorney Smith replies there is a \$50,000 deductible and he did research and we paid about \$16,000 that goes for remediation. The \$50,000 is beyond remediation and not repairing past damage.

**3. Questions to Directors Closes.**

The Chair, hearing no further comments from the Council members, closes the questions to Directors portion of the meeting.

**4. Meeting adjourned.**

Councilman Serra moves to adjourn and his motion is seconded by Councilwoman Bartolotta. The Chair declares the meeting adjourned at 7 p.m.

ATTEST:

MARIE O. NORWOOD  
COMMON COUNCIL CLERK